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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,146	07/07/2003	Peter J. Cate	61134B	7714

109 7590 02/01/2006

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
MIDLAND, MI 48641-1967

EXAMINER

YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/614,146

Applicant(s)

CATE ET AL.

Examiner

Sam Chuan C. Yao

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1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10, 12 and 15-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attached examiner's remarks.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: IDS dated 10/11/05 attached.

Sam Chuan C. Yao
Primary Examiner
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Remarks

On page 6, Counsel argued that “... Applicants assume this is the prior art discussed in the Background of the Invention, for the proposition that a bumper system component may comprised of glass filled polypropylene. First, Applicants have reviewed the disclosures contained in the specification relative to Admitted Prior Art and it does not disclose that bumper systems may be prepared from glass filled polypropylene.”. Examiner strongly disagrees. Counsel’s attention is directed to Applicant’s specification on pages 1-2. On page 1, it discloses a bumper fascia (typically a molded plastic material) being connected to an EAU (maybe made of metal or plastic), and the EAU in turn is connected to a bumper beam. On page 2, it further discloses that “... the structural member, whether in an FEC or a bumper system, comprises a plastic[s] material, for example polypropylene, glass filled polypropylene or ... The plastic[s] part of the FEC or bumper system is conventionally produced by moulding using known techniques” (emphasis added). Moreover, Counsel’s attention is also directed to Glance et al (US 4,460,205), a reference cited by Applicant in an IDS dated 11-10-03. In column 1 lines 38-49, column 2 line 64 to column 3 line 6, and claim 3 of the Glance et al patent, a bumper system is disclosed to comprise a glass-filled polypropylene. For this reason, it is respectfully submitted that it would have been obvious in the art to form a bumper system of Carpenter comprising 1st material and 2nd material, wherein the 1st material and/or 2nd material comprises a glass-filled polypropylene.

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On page 6 full paragraph 6, Counsel argued that "... *the Final Rejection fails to establish a reasonable expectation of success with respect to the ability to use organoborane/amine complex*" recited in the claims. Examiner strongly disagrees. As noted in a prior office action, a) it is well known in the art to use a stable organoborane amine complex to adhesively bond various substrates such as "plastic to metal", "(automotive) glass-metal bonding", etc., particularly those with "low surface energy polymers" as exemplified in a disclosure of Pocius (col. 1 lines 10-20 & 52-64; col. 3 lines 17-23); and, b) Sonnenschein et al teaches a polymerizable adhesive composition comprising a) an amine organoborane complex, b) "*one or more monomers, oligomers or polymers having olefinic unsaturation*", and c) "... *a compound which causes the complex to dissociate ...*", wherein the composition is useful for bonding low surface energy substrates such as automobile components without the need for **using a primer or application of surface treatment**, and further wherein the composition is "*safe to handle, not pyrophoric, ... stable at, or near, ambient temperature and therefore will not initiate polymerization at, or near ambient temperature in the absence of an initiator that causes the complex to disassociate ...*" (emphasis added; abstract; numbered paragraph 2-4, 9, 12-13). Moreover, Sonnenschein et al discloses that "[l]ow surface energy olefins such as polyethylene, polypropylene, polytetrafluoroethylene have *a variety of attractive properties in variety of uses ... automobiles ...*" (emphasis added; numbered paragraph 3). In fact, on page 3 full paragraph 2 of Applicant's specification, it is disclosed that organoborane polyamine complex adhesives suggested by Pocius et

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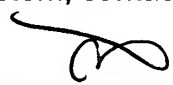
al '796 *"have excellent adhesion to a variety of substrates especially low surface energy polymers."* . Therefore, contrary of Counsel's assertion, there is a strong basis for one in the art to expect that an amine organoborane complex type adhesive is effective for bonding the pair of materials of a bumper system suggested by Carpenter without a need to prime the surface(s) of the materials.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richard Crispino can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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